

## **IC 21-6.1-5**

### **Chapter 5. Benefits**

## **IC 21-6.1-5-1**

### **Retirement for disability**

Sec. 1. (a) A member who becomes disabled after June 30, 1984, is covered by sections 1 through 5 of this chapter unless he qualifies for disability retirement under IC 5-10.2-4-6, in which case the member may choose to be covered by that section instead of sections 1 through 5 of this chapter.

(b) While teaching, a member with five (5) or more service credits may receive a classroom disability benefit for a temporary or permanent disability which continues for six (6) months or more. When the member is receiving a classroom disability benefit, that classroom disability benefit continues only until the disability is removed.

(c) A teacher may receive a classroom disability benefit under this chapter only if the member applies for the classroom disability benefit not later than one (1) year after the date of the disability. However, the board may waive this requirement if the board finds extenuating circumstances that justifiably prevented the person from applying within the time required. The board shall adopt rules specifying the extenuating circumstances that must be shown before a waiver may be granted under this subsection.

*As added by Acts 1976, P.L.111, SEC.1. Amended by P.L.29-1984, SEC.2; P.L.10-1993, SEC.6.*

## **IC 21-6.1-5-2**

### **Disability benefits; medical examination; transcripts, reports, records, and other materials**

Sec. 2. (a) A member receiving a classroom disability benefit under section 1 of this chapter shall receive on and after July 1, 1977, a classroom disability benefit of one hundred twenty-five dollars (\$125) per month plus five dollars (\$5) per month for each year of service credit above five (5). Each classroom disability benefit payment shall be charged against the retirement allowance account.

(b) No classroom disability benefits may begin until ordered by the board after a medical examination of the member by a physician selected by the board. No classroom disability benefit may be paid to a member if the medical examination by a physician selected by the board and at the expense of the board establishes to the board's satisfaction that the disability is removed.

(c) If a member on a classroom disability benefit refuses to submit in a year to at least one (1) medical examination by a physician selected by the board, the board shall discontinue his benefits until withdrawal of the refusal. If the refusal continues for one (1) year, the member's rights to classroom disability benefits may be canceled.

(d) To the extent required by the Americans with Disabilities Act, the transcripts, reports, records, and other material compiled to determine the existence of a disability shall be:

- (1) kept in separate medical files for each member; and
- (2) treated as confidential medical records.

(e) This section shall be administered in a manner that is consistent with the Americans with Disabilities Act, to the extent required by the Act.

*As added by Acts 1976, P.L.111, SEC.1. Amended by Acts 1977(ss), P.L.2, SEC.5; P.L.43-1991, SEC.9; P.L.1-1992, SEC.105; P.L.4-1992, SEC.12; P.L.10-1993, SEC.7.*

### **IC 21-6.1-5-3 Repealed**

*(Repealed by P.L.10-1993, SEC.20.)*

### **IC 21-6.1-5-4**

#### **Disability and death benefits**

Sec. 4. Disability Benefits—Death Benefits. (a) If a member dies while on a classroom disability benefit, his total classroom disability benefit payments shall be deducted from the funds which are to be paid to his estate or designated beneficiary.

(b) When a member ceases to be on a classroom disability benefit, returns to teaching and dies before retirement, his total classroom disability benefit payments shall be deducted from any death benefit payable to the member's estate or designated beneficiary.

*As added by Acts 1976, P.L.111, SEC.1. Amended by P.L.10-1993, SEC.8.*

### **IC 21-6.1-5-5**

#### **Disability benefits at retirement**

Sec. 5. Disability Benefits at Retirement. After reaching age sixty-five (65) or any earlier retirement date selected, the member may request that the classroom disability benefit payments cease and that his retirement benefits begin. No member may have his retirement benefits reduced because he received classroom disability benefits.

*As added by Acts 1976, P.L.111, SEC.1. Amended by P.L.10-1993, SEC.9.*

### **IC 21-6.1-5-6**

#### **Retirement; agreement; unenforceability of mandatory retirement age after December 31, 1986**

Sec. 6. (a) Before January 1, 1987, each member employed in the public schools shall, by joining the fund, agree that when he attains age seventy-one (71):

- (1) he will not be employed to teach and will not be eligible to continue to teach in a public school of any school corporation; and
- (2) he will not be eligible to contract with a school corporation to teach in any public school.

However, if the member attains age seventy-one (71) before the end of an August 1 through July 31 employment period, he may complete that employment period.

(b) After December 31, 1986, the state or a school corporation may not enforce a mandatory retirement age against members employed in the public schools.

*As added by Acts 1976, P.L.111, SEC.1. Amended by Acts 1979, P.L.206, SEC.2; P.L.46-1988, SEC.13.*

#### **IC 21-6.1-5-7**

##### **Eligibility for retirement benefits**

Sec. 7. Each member is eligible for retirement benefits as specified in IC 5-10.2-4.

*As added by Acts 1976, P.L.111, SEC.1. Amended by P.L.221-1985, SEC.10.*

#### **IC 21-6.1-5-7.5**

##### **Member-legislators; computation of pension**

Sec. 7.5. (a) As used in this section, "member-legislator" means a member who has:

- (1) at least twenty (20) years of service credit as a teacher; and
- (2) at least ten (10) years of service in the general assembly.

(b) Notwithstanding IC 5-10.2-4-3 or IC 5-10.2-4-3.1, in computing the pension for a member-legislator, the average of the annual compensation is the sum of the salaries in any one (1) year for a position held by the member and covered by the fund and for service in the general assembly.

*As added by P.L.381-1987(ss), SEC.5.*

#### **IC 21-6.1-5-8**

##### **Designation of retirement date**

Sec. 8. (a) A member whose employment in the public schools has ceased and who is eligible for retirement benefits shall designate his retirement date for the computation of retirement benefits. The retirement date shall be as described in IC 5-10.2-4-1. However, a member who chooses to receive benefits at the time of cessation of service is entitled to receive the proportionate amount of the member's monthly benefit for the month in which the cessation occurred.

(b) Annually the board may require from a member an affidavit to evidence eligibility for a retirement benefit.

*As added by Acts 1976, P.L.111, SEC.1. Amended by P.L.48-1985, SEC.2.*

#### **IC 21-6.1-5-9**

##### **Payment of benefits**

Sec. 9. (a) The first pension benefit payment after retirement shall be made not more than ninety (90) days after the completion and filing of the member's application for retirement benefits.

(b) After the first pension benefit payment, each person entitled to benefits shall receive the retirement benefits in installments payable by the tenth day of each month.

*As added by Acts 1976, P.L.111, SEC.1. Amended by Acts 1982,*

*P.L.37, SEC.5; P.L.221-1985, SEC.11; P.L.195-1999, SEC.29; P.L.190-2003, SEC.5.*

#### **IC 21-6.1-5-9.5**

##### **Outstanding benefit checks; cancellation**

Sec. 9.5. (a) A benefit check issued by the fund is canceled if the check is outstanding and unpaid for more than six (6) months after the date the check is issued.

(b) A benefit check canceled under subsection (a) may not be honored, cashed, or accepted for payment or deposit by an individual, a bank, a trust company, a savings association, or any other financial institution or person.

(c) The cancellation of a benefit check under this section does not discharge the fund's obligation to pay the benefit for which the canceled benefit check was issued.

*As added by P.L.10-1993, SEC.10. Amended by P.L.79-1998, SEC.18.*

#### **IC 21-6.1-5-10**

##### **Repealed**

*(Repealed by P.L.221-1985, SEC.15.)*

#### **IC 21-6.1-5-11**

##### **Repealed**

*(Repealed by P.L.221-1985, SEC.15.)*

#### **IC 21-6.1-5-12**

##### **Repealed**

*(Repealed by P.L.221-1985, SEC.15.)*

#### **IC 21-6.1-5-12.5**

##### **Repealed**

*(Repealed by P.L.221-1985, SEC.15.)*

#### **IC 21-6.1-5-13**

##### **Retirement benefit options**

Sec. 13. Each member may have his retirement benefits payable under the options specified in IC 5-10.2-4-7.

*As added by Acts 1976, P.L.111, SEC.1. Amended by P.L.221-1985, SEC.12.*

#### **IC 21-6.1-5-14**

##### **Death settlements**

Sec. 14. If a member dies before retirement, the conditions for paying benefits are specified in IC 5-10.2-3-7.5 and IC 5-10.2-3-8.

*As added by Acts 1976, P.L.111, SEC.1. Amended by Acts 1980, P.L.28, SEC.14; P.L.221-1985, SEC.13; P.L.43-1991, SEC.10.*

#### **IC 21-6.1-5-15**

##### **Repealed**

*(Repealed by P.L.49-1985, SEC.4.)*

#### **IC 21-6.1-5-16**

##### **Reemployment of retired members**

Sec. 16. (a) The reemployment of a retired member is covered under IC 5-10.2-4-8, IC 5-10.2-4-9, and IC 5-10.2-4-10.

(b) Each retired member who withdraws from retirement status, resumes teaching, and again retires shall be paid by the board on the second or subsequent retirement a monthly retirement benefit payment of not less than the highest amount the retired member had ever received as a retirement benefit payment.

*As added by Acts 1976, P.L.111, SEC.1. Amended by P.L.49-1985, SEC.3.*

#### **IC 21-6.1-5-17**

##### **Benefits exempted from legal process; assignment of benefits**

Sec. 17. Benefits Exempted from Legal Process; Assignment of Benefits. (a) The benefits payable from the fund are exempt from seizure or levy on attachment, supplemental process, and all other processes.

(b) A member may not transfer any benefit payment; such a transfer is void. However, a member may assign benefits for paying:

- (1) premiums on a group, life, hospitalization, surgical or medical insurance plan maintained in whole or in part by a state agency; and
- (2) dues to any association which proves to the board's satisfaction that the association has as members at least twenty percent (20%) of the number of retired members of the fund.

*As added by Acts 1976, P.L.111, SEC.1. Amended by Acts 1980, P.L.28, SEC.15.*

#### **IC 21-6.1-5-18**

##### **Grounds for stopping benefit payment**

Sec. 18. Grounds for Stopping Benefit Payment. The board may stop a member's benefit if:

- (1) the member does any of the following while receiving the benefit:
  - (A) Fails to report for a required examination, unless excused by the board.
  - (B) Disobeys the requirements of the board regarding the examination.
  - (C) Refuses to repay an overpayment of benefits; or
- (2) the board has reasonable cause to believe:
  - (A) that the member has died; or
  - (B) in the case of a member receiving disability benefits under IC 5-10.2-4-6 or classroom disability benefits under section 1 of this chapter, that the member is no longer disabled.

*As added by Acts 1976, P.L.111, SEC.1. Amended by Acts 1978, P.L.2, SEC.2105; P.L.10-1993, SEC.11.*

**IC 21-6.1-5-19****Construction and application of provisions**

Sec. 19. (a) This article is beneficial and supplemental to IC 5-10.2 and may not be construed or administered to diminish or nullify the rights, privileges, and benefits conferred by IC 5-10.2, except regarding the granting of out-of-state service credit to members.

(b) The application of section 2 of this chapter extends to the computation of benefits payable on and after July 1, 1975, and includes members who retired or whose employment was terminated before that date. These sections may not reduce these benefits. However, the benefits of members who retired before January 1, 1956, shall be computed by multiplying fifteen dollars (\$15) times years of service and then actuarially adjusting the product obtained for early retirement and the retirement option by using the factors in effect on July 1, 1975.

*As added by Acts 1976, P.L.111, SEC.1. Amended by P.L.221-1985, SEC.14; P.L.1-1993, SEC.186.*